

By: Button, Bell of Kaufman, Longoria,
Lopez of Cameron, Harris Davila, et al.

H.B. No. 2791

A BILL TO BE ENTITLED

AN ACT

relating to powers and duties of the Texas Workforce Commission
with respect to the procurement of goods and services for the
provision of vocational rehabilitation services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 352, Labor Code, is
amended by adding Section 352.060 to read as follows:

Sec. 352.060. PROCUREMENT OF GOODS AND SERVICES. (a) The
commission may enter into contracts for goods or services related
to the commission's provision of vocational rehabilitation
services as necessary to perform any of the commission's powers or
duties under this chapter.

(b) The commission may acquire goods and services described
by Subsection (a) by any procurement method approved by the
commission that provides the best value to the commission. The
commission shall document that the commission considered all
relevant factors under Subsection (c) in making the acquisition.

(c) The commission shall consider all relevant factors in
determining the best value, including:

- (1) any installation costs;
- (2) the delivery terms;
- (3) the quality and reliability of the vendor's goods
or services;
- (4) the extent to which the goods or services meet the

needs of the individuals receiving vocational rehabilitation services from the commission under this chapter;

(5) indicators of probable value vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience and responsibility, and the vendor's ability to provide reliable maintenance agreements;

(6) the impact on the ability of the commission to comply with laws and rules relating to historically underutilized businesses or relating to the procurement of goods and services from persons with disabilities;

(7) the total long-term cost to the commission of acquiring the vendor's goods or services;

(8) the cost of any employee training associated with the acquisition;

(9) the effect of an acquisition on commission productivity;

(10) the acquisition price; and

(11) any other factor relevant to determining the best value for the commission in the context of a particular acquisition.

(d) The commission may adopt rules and procedures for the acquisition of goods and services under this section, including rules allowing the commission to purchase vocational rehabilitation services through an open-enrollment contracting method if the commission determines that the best interests of the state are served by enrolling multiple vendors.

1 (e) If the commission does not receive any responsive bids
2 on an open market solicitation for goods or services for the
3 vocational rehabilitation program in a specific area of the state,
4 the commission, after making a written determination that an open
5 market award is not available, may negotiate with and award the
6 contract to any qualified vendor who meets the requirements of the
7 original solicitation:

8 (1) at a price consistent with the current market
9 value of the goods or services; and

10 (2) for a term not to exceed five years.

11 SECTION 2. The change in law made by this Act applies only
12 to the acquisition of goods or services made on or after the
13 effective date of this Act.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2025.